

CITY OF PEACHTREE CORNERS
COUNCIL MEETING MINUTES
December 18, 2012 @ 7:30pm

The Mayor and Council of the City of Peachtree Corners held a Council Meeting on Tuesday, December 18, 2012 at 7:30pm and the meeting was held at Peachtree Corners City Hall, 147 Technology Parkway, Peachtree Corners, GA 30092. The following were in attendance:

Mayor	Mike Mason
Council Member	Phil Sadd - Post 1
Council Member	James Lowe - Post 2
Council Member	Alex Wright - Post 3
Council Member	Jeanne Aulbach - Post 4
Council Member	Lorri Christopher - Post 5
Council Member	Weare Gratwick - Post 6
City Attorney	Bill Riley, S. Robichaux
City Manager	Julian Jackson
City Clerk	Kymberly Chereck
Acting City Clerk	Joan Jones

PLEDGE OF ALLEGIANCE: Mayor Mason led the Pledge of Allegiance.

MAYOR'S OPENING COMMENTS: Mayor Mason and council recognized and expressed their appreciation for Acting City Clerk Jones.

MINUTES: Council Member Lowe motioned, seconded by Council Member Christopher to approve the minutes of May 15, 2012; June 26, 2012 and December 4, 2012 as presented. There being no further discussion, the motion carried unanimously.

AGENDA CONSIDERATION: Attorney Riley requested Mayor and Council consider amending tonight's Agenda to add under New Business, Item K-4 Consideration of an Ordinance Re-Adopting Chapter 18: Businesses, in order to accommodate Insurance Commissioner's request. Council Member Christopher motioned, seconded by Council Member Gratwick to approve tonight's agenda as amended, adding Item K-4 as requested. There being no further discussion, the motion carried and the agenda was approved as presented.

PUBLIC COMMENT: No Public Comments made.

CONSENT AGENDA: No Consent Agenda Items

REPORTS and PRESENTATIONS: Community Development Director Diana Wheeler provided her report on **staff activities** that occurred during December 3rd through December 7th which included information on staff work on the upcoming City Hall Open House, processing the renewals of Business Licenses which will go out in the mail this Friday. In addition, she has met with the Community Development Consultants to work out logistics and procedures. The Comprehensive Plan proposals review has been finalized and the committee recommends awarding the bid to Pond and Company. This will be reviewed and discussed further in tonight's agenda.

OLD BUSINESS: The Second Read and Consideration of Ordinance 2012-11-68 **Adopting the 2013**
12-18-2012 Council Meeting Minutes

Council Meeting Calendar for the City of Peachtree Corners, Georgia was held. There was general discussion on having more discussion/review/presentation of information during Work Sessions and to hold the council meetings on the first and third Tuesday of each month. Community Development Director Wheeler explained the Planning Commission will be holding their meetings on the second Tuesday of the month and the council will be having zoning public hearings during January. In addition, there was a brief discussion on changing the meeting time. Council Member Sadd motioned, seconded by Council Member Wright to approve Ordinance 2012-11-68 Adopting the Council Meeting Calendar for 2013 with an amendment to Exhibit "A" changing the first council meeting in January to the 15th and the meeting start time to 7:00pm. There being no further discussion, the motion carried unanimously. (**ORDINANCE 2012-11-68**)

SOLID WASTE ORDINANCE: The Second Read and consideration of an Ordinance to Adopt **Chapter 90: Solid Waste**, to Provide for Regulation of Solid Waste Disposal Services in the City of Peachtree Corners, to Provide for Codification, to Provide for Severability; to provide an Effective Date, and for Other Purposes was held. During presentation, clarification was made by Attorney Riley the rate will be considered in February and this ordinance best reflects what is currently in place with Gwinnett County with the exclusion of residential customers. Council Member Gratwick motioned, seconded by Council Member Sadd to approve Ordinance 2012-11-70 Adopting Chapter 90: Solid Waste for the City of Peachtree Corners as presented. There being no further discussion, the motion carried unanimously. (**ORDINANCE 2012-11-70**)

ZONING CASE C1C2012-00001 The Second Reading was held for consideration of C1C2012-00001 for applicant Amer Habib for a change in conditions of zoning on property zoned C-2 to remove permit deadline and to reduce required buffer from 25 feet to 15 feet; in District 6, Land Lot 256; Parcel 124; the 5100 block of Buford Highway (1.89 acres).

Mayor Mason called for Council discussion on this zoning application. Council Member Lowe motioned, seconded by Council Member Christopher to approve Ordinance 2012-12-71 with the Staff and Planning Commission recommended conditions as follows:

1. *To restrict the use of the property as follows:*

A. *Retail, service commercial and accessory uses which may include Automotive Sales and associated Automotive Service as a Special Use. The following uses shall be prohibited; Adult Bookstores, Automotive Salvage, Contractor's Offices, Emission Inspection Stations, Equipment Rental, Extended Stay Hotels or Motels, Recovered Materials Processing Facilities, Smoke Shops/Novelty Stores, Taxidermists, and Yard Trimmings Composting Facilities.*

B. *Buildings or building renovations/additions shall be consistent with the architectural requirements of the Peachtree Corners Overlay District and subject to the final approval of the Community Development Director. The primary building's materials and color palette shall be of neutral or earth tones and stucco may only be used as an accent building material.*

C. *Portable buildings shall be prohibited. Outdoor storage of auto parts, tires, junk vehicles or other materials is prohibited. Site shall be maintained free of litter and other debris.*

D. *Vehicles may only be parked on paved surfaces. Vehicle parking on grass or gravel surfaces shall be prohibited.*

2. *To satisfy the following site development considerations:*

A. *Provide a 15 foot wide re-graded and re-planted buffer adjacent to the residentially zoned property. The re-graded and re-planted buffer shall be planted with a double staggered row of Cryptomeria, Thuga Green Giants and Tree Form Hollies, planted in equal distribution, 8 feet tall at the time of planting and spaced on 12 foot centers. This re-graded and re-planted buffer is only intended to be installed in the areas of the buffer where grading or development activity is occurring. No permits for paving, septic system, or signage shall be issued until all required buffer planting is completed and a three-year landscape maintenance bond has been submitted to the Community Development Department.*

B. Provide an evergreen screening buffer around the visible portion of the detention pond from Buford Highway, provided the detention pond is located above ground. The evergreen screening buffer shall have tree form plant materials that are 6 feet tall at time of planting.

C. Provide a 10 foot wide landscape strip adjacent to all rights of way. Within the planted areas it is encouraged of the developer to group together the trees and the shrubs to create better views into the proposed development.

D. The installation of an appropriately sized oil/water separator is required for the pre-treatment of all liquid runoff within the garage area of the principal building.

E. Provide insulation along all interior walls and roof portions of the automotive service area to aid in the abatement of sound being emitted from said garage area.

F. No metal risers are to be permitted for the display of any automobiles.

G. The existing ground signage is to be removed. All new signage on the subject property shall comply with the Peachtree Corners Sign Ordinance at the time the signage application is made. Any free standing monument sign shall have a masonry base to match the predominant masonry type of the principal building.

H. Billboards or oversized signs shall be prohibited.

I. Dumpsters shall be screened by a 100% opaque brick or stacked stone wall with an opaque metal gate enclosure. Hours of dumpster pick-up shall be limited to the hours between 7:00 a.m. to 7:00 p.m.

J. Lighting shall be contained in cut-off type luminaries and shall be directed in towards the property so as not to shine directly into adjacent properties or rights of way.

K. Outdoor loudspeakers shall be prohibited.

L. No tents, canopies, temporary banners, streamers or roping decorated with flags, tinsel, or other similar materials shall be displayed, hung, or strung on the site. No decorative balloons or hot air balloons shall be displayed on the site. Yard and/or bandit signs shall be prohibited.

M. Peddlers and/or parking lot sales shall be prohibited.

N. Owner shall repair or repaint any graffiti or vandalism that occurs on the property within 72 hours.

O. Approval shall expire on 12/4/14 if all conditions have not been met.

There being no further discussion, the motion carried unanimously. (**ORDINANCE 2012-12-71**)

ZONING CASE SUP2012-00001 and SUP2012-00002 –The Second Reading was held for consideration of the applicant, Wesleyan School for a Special Use Permit(s) in a R-100 Zoning District for a Private School Expansion to accommodate additional Athletic Fields in District 6, Land Lot 301 Parcels 011-013 in the 3600 Block of Spalding Terrace (5.99 acres) and for SUP2012-00002 the applicant Wesleyan School for a Special Use Permit in a R-100 Zoning District for a Private School Expansion to accommodate additional Tennis Courts in District 6, Land Lot 286, Parcels 033-034 in the 5300 Block of Spalding Terrace (3.46 acres).

Community Development Director Wheeler provided an overview of zoning cases SUP2012-00001 and SUP2012-00002 in which the applicant, Wesleyan School request an expansion for additional Athletic Fields and additional Tennis Courts for their students. She reviewed the current zoning, the adjacent residential property and reviewed the Planning Commission and Staff recommendations.

Mayor Mason called for any council discussion on these two zoning requests and Council Member Aulbach commented on Wesleyan School being a vital part of the community and reviewed additional conditions such as curb repair, use of access road, hours of demolition, etc. that she would like council to consider. During council discussion, there was concern voiced by Council Member Gratwick the conditions could be too restrictive, too prohibitive and could set a precedent that this council is too strict. Council Member Sadd requested clarification that Wesleyan School was okay with the extra conditions. Wesleyan School Representative, Robert Candler explained the conditions are acceptable at this time. Council Member Sadd asked the records to reflect this discussion and to provide for clarification that all parties agree to the conditions. Attorney Riley recommended that each Special Use Permit request be taken separately as the conditions are somewhat different so as to accurately reflect the council's decision. Council Member Aulbach motioned, seconded by Council Member Sadd to approve Ordinance 2012-12-72, Special Use

Permit 2012-00001 for the expansion of the Athletic Field for Wesleyan School to include the recommendations of the Planning Commission and Staff along with the following conditions:

1. To restrict the use of the property as follows:

A. Athletic fields and tennis facility expansion as accessory uses to the adjacent Wesleyan School.

2. To satisfy the following site development considerations:

A. Lighting shall be permitted for tennis courts only, contained in cut-off type luminaries, and directed in towards the property so as not to shine directly in nearby residential property. Fixtures shall be set on timers to ensure that lighting does not extend past 10:00PM.

B. Provide similar landscaping that is consistent with the existing landscaping for Wesleyan School along Spalding Drive, adjacent to Spalding Drive and Spalding Terrace. This landscape strip shall include an 8-foot high perimeter fence along Spalding Terrace for the northern portion of property as indicated on the submitted site plan, dated received September 7, 2012 and further detailed on plans drawn by HGOR and dated 10/22/12.

C. There shall be no buffer requirement between the existing Wesleyan School facility (RZ-277-84) and the properties which are subject to SUP2012-00001 and SUP2012-00002.

D. The remaining school-owned, residential properties along Spalding Terrace shall be maintained with single-family homes in order to preserve the residential character of the street. Further, the landscaping along the street fronts for all those properties shall be preserved substantially as it exists and nothing in the use of those properties shall suggest any activity on the premises other than single-family residential.

E. Except for emergency and maintenance purposes, no access to fields or courts shall be allowed from Spalding Terrace. Gating is permitted as shown on drawings prepared by HGOR and dated 10/22/12; however, if additional gating is required to prevent access through residential properties, gates shall be placed on the school side of the residential properties in order to maintain consistency with the existing residential character of Spalding Terrace.

F. Applicant shall be responsible for repair to all curbing along Spalding Terrace that is damaged as a result of construction or other development activity.

G. Throughout construction and demolition, Spalding Terrace may only be used as an access road to set up initial construction and demolition equipment and remove the same. Construction materials delivery and site haul-off shall not utilize Spalding Terrace.

Mayor Mason called for any further discussion, there being no discussion, Mayor called the motion. The motion carried 4-3 with Council Members Sadd, Wright, Aulbach and Mayor Mason voting in favor of the motion and Council Members Lowe, Christopher and Gratwick opposing the motion. **(ORDINANCE 2012-12-72)**

Mayor Mason asked for Council consideration of Ordinance 2012-12-73, Special Use Permit 2012-00002, Wesleyan School's request for additional tennis courts. Council Member Aulbach motioned, seconded by Council Member Sadd to approve the Special Use Permit for additional tennis courts at Wesleyan School to include the Planning Commission and Staff recommendations with the following conditions:

1. To restrict the use of the property as follows:

A. Athletic fields and tennis facility expansion as accessory uses to the adjacent Wesleyan School.

2. To satisfy the following site development considerations:

A. Lighting shall be permitted for tennis courts only, contained in cut-off type luminaries, and directed in towards the property so as not to shine directly in nearby residential property. Fixtures shall be set on timers

to ensure that lighting does not extend past 10:00PM.

B. Provide similar landscaping that is consistent with the existing landscaping for Wesleyan School along Spalding Drive, adjacent to Spalding Drive and Spalding Terrace. This landscape strip shall include an 8-foot high perimeter fence along Spalding Terrace for the northern portion of property as indicated on the submitted site plan, dated received September 7, 2012 and further detailed on plans drawn by HGOR and dated 10/22/12.

C. There shall be no buffer requirement between the existing Wesleyan School facility (RZ-277-84) and the properties which are subject to SUP2012-00001 and SUP2012-00002.

D. The remaining school-owned, residential properties along Spalding Terrace shall be maintained with single-family homes in order to preserve the residential character of the street. Further, the landscaping along the street fronts for all those properties shall be preserved substantially as it exists and nothing in the use of those properties shall suggest any activity on the premises other than single-family residential.

E. Except for emergency and maintenance purposes, no access to fields or courts shall be allowed from Spalding Terrace. Gating is permitted as shown on drawings prepared by HGOR and dated 10/22/12; however, if additional gating is required to prevent access through residential properties, gates shall be placed on the school side of the residential properties in order to maintain consistency with the existing residential character of Spalding Terrace.

F. Applicant shall be responsible for repair to all curbing along Spalding Terrace that is damaged as a result of construction or other development activity.

G. Throughout construction and demolition, Spalding Terrace may only be used as an access road to set up initial construction and demolition equipment and remove the same. Construction materials delivery and site haul-off shall not utilize Spalding Terrace.

H. Construction and demolition activity shall only take place between the hours of 7AM and 10PM, Monday through Friday. Weekend work shall be prohibited.

There being no discussion, Mayor Mason called the motion. The motion carried 4-3 with Council Members Sadd, Wright, Aulbach and Mayor Mason voting in favor of the motion and Council Members Lowe, Christopher and Gratwick opposing the motion. (**ORDINANCE 2012-12-73**)

ZONING CASE SUP2012-00003: The Second Reading was held for Ordinance 2012-12-74 the consideration of SUP2012-00003 for applicant Salem Leasing Corporation's request for a Special Use Permit in an M-1 Zoning District for Truck Sales/Leasing and Services at the 4900 Block of Buford Highway.

Mayor Mason asked for discussion or consideration on this zoning request. Council Member Lowe motioned, seconded by Council Member Wright to approve the Special Use Permit 2012-00003 for truck sales/leasing and service with the recommended Planning Commission and Staff Director conditions as follows:

1. Light industrial uses, which may include truck sales/leasing and service as a special use.
2. The truck sales lot(s) shall be paved to Gwinnett County development standards and the current 75 ft. undisturbed buffer located along the front of the property shall be maintained. If the buffer is destroyed, it shall be replaced with a buffer approved by the Community Development Director.
3. Outdoor storage or display of tires, junk vehicles, vehicle parts, or other similar materials shall be prohibited. All truck repairs shall occur within the enclosed building.

4. *Dumpsters shall be screened by a 100% opaque brick or stacked stone wall with an opaque metal gate enclosure.*
5. *Outdoor loudspeakers shall be prohibited.*
6. *Lighting shall be contained in cut-off type luminaries and shall be directed in toward the property so as not to shine directly into adjacent properties or rights-of-way.*
7. *No tents, canopies, temporary banners, streamers or roping decorated with flags, tinsel, or other similar material shall be displayed, hung, or strung on the site. No decorative balloons or hot-air balloons shall be displayed on the site. Yard and/or bandit signs, sign-walkers and sign-twirlers shall be prohibited.*
8. *The property owner shall repaint or repair any graffiti or vandalism that occurs on the property within 72 hours.*
9. *The property shall be maintained free of litter and other debris.*

There being no further discussion, Mayor Mason called the motion. The motion carried unanimously. **(ORDINANCE 2012-12-74)**

NEW BUSINESS

IGA with GWINNET COUNTY-Hotel/Motel Tax: City Manager Jackson reviewed this amendment to the Intergovernmental Agreement with Gwinnett County regarding the Hotel-Motel Taxes, explaining this also continues the status quo of the IGA until the end of April 2013. Council Member Gratwick motioned, seconded by Council Member Christopher to approve this Action Item amending the IGA with Gwinnett County regarding Hotel/Motel Taxes. **(ACTION ITEM)**

BID AWARD FOR COMPREHENSIVE PLAN: Community Development Director Wheeler outlined the review and evaluation process the Comprehensive Plan Review committee undertook when looking at the bid responses. The committee recommends the bid award for the development of the City of Peachtree Corners Comprehensive Plan go to Pond & Company as they were the most responsive and had the best approach for the city. With their experience and cost of \$99K it is the best value for the dollar and they encourage citizen involvement and ownership of the plan. Council Member Wright motioned, seconded by Council Member Gratwick to award the bid for the development of the city's Comprehensive Plan to Pond & Company. There being no further discussion, the motion carried unanimously. **(ACTION ITEM)**

GRACE PERIOD FOR ALL BUSINESSES/ALCOHOL LICENSES: Council Member Lowe motioned, seconded by Council Member Gratwick to authorize the City Manager and Staff to provide a (60) Sixty-Day Grace Period for all Businesses and Alcohol Licenses in the City of Peachtree Corners applying for renewals of their licenses that expire on December 31, 2012 and allow for the said renewal applications to not be considered "Expired" until March 1, 2013. There being no further discussion, the motion carried unanimously. **(ACTION ITEM)**

CHAPTER 18 AMENDMENT: The First Read of an Ordinance to Re-Adopt Ordinance 2012-10-65 Amending Chapter 18, Businesses, to Provide for Insurance License Fees; to Provide an Effective Date; and for Other Purposes was held. Attorney Riley requested Mayor and Council hold a Special Called Meeting this week in order to expedite a second read and consideration to approve this ordinance. During discussion, there was council consensus to hold a Special Called Meeting on Friday, December 21, 2012 at 5:30pm at City Hall to consider this ordinance. **(FIRST READ)**

OTHER BUSINESS: No other business.

EXECUTIVE SESSION: Council Member Gratwick motioned, seconded by Council Member Wright to go into Executive Session for the discussion of one (1) Litigation Matter. There being no discussion the motion carried unanimously.

Council Member Christopher motioned, seconded by Council Member Gratwick to come out of Executive Session and resume the regular meeting. There being no further discussion, the motion carried unanimously and the meeting was resumed.

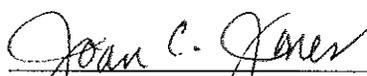
ADJOURNMENT: There being no further business, Council Member Christopher motioned, seconded by Council Member Gratwick to adjourn the meeting. There being no further discussion, the motion carried unanimously and the meeting was adjourned.

Approved,



Mike Mason, Mayor

Attest:



Joan C. Jones, Acting City Clerk